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ALDERWOODS GROUP, INC., PAUL A.
 HOUSTON, SERVICE CORPORATION
 INTERNATIONAL, SCI FUNERAL AND
 CEMETERY PURCHASING COOPERATIVE, INC.,
 SCI EASTERN MARKET SUPPORT CENTER, L.P.,
 SCI WESTERN MARKET SUPPORT CENTER, L.P.
 a/k/a SCI WESTERN MARKET SUPPORT CENTER, L.P.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CLAUDE BRYANT, CRAIG FULCHER,
 SANFORD LEVINE and THOMAS
 THOMPSON et al., on behalf of themselves
 and all other employees and former employees
 similarly situated,

Plaintiffs,

vs.

ALDERWOODS GROUP, INC., PAUL A.
 HOUSTON, SERVICE CORPORATION
 INTERNATIONAL, SCI FUNERAL AND
 CEMETERY PURCHASING
 COOPERATIVE, INC., SCI EASTERN
 MARKET SUPPORT CENTER, L.P. SCI
 WESTERN MARKET SUPPORT CENTER,
 L.P. a/k/a SCI WESTERN MARKET
 SUPPORT CENTER, INC., SCI HOUSTON
 MARKET SUPPORT CENTER, L.P., and
 JOHN DOES 1-3, et al.

Defendants.

No. **3:07-CV-5696-SI**

**DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' ADMINISTRATIVE
 MOTION TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 (DOCKET NO. 40)**

Defendants Alderwoods Group, Inc. ("Alderwoods"), Paul A. Houston ("Houston"), Service Corporation International ("SCI"), SCI Funeral And Cemetery Purchasing Cooperative, Inc., ("SCI Coop"), SCI Eastern Market Support Center, L.P. ("SCI Eastern Market Support"), SCI Western Market Support Center, L.P. A/K/A SCI Western Market Support Center, Inc. ("SCI Western Market Support"), SCI Houston Market Support Center, L.P. (SCI Houston Market Support"), (collectively "Defendants"), hereby submit the following Opposition to Plaintiffs' Administrative Motion To Continue Case Management Conference (Docket No. 40.)

I. INTRODUCTION

This Court has before it three separate cases filed by Plaintiffs' counsel, all of which the Court has determined are related: *Bryant et al. v. Alderwoods Group et al.*, No. CV 07-05696 SI (hereinafter referred to as "*Bryant I*"); the instant action, *Bryant et al. v. Service Corporation International et al.*, No. CV 08-1190 SI (hereinafter referred to as "*Bryant II*"); and *Helm v. Alderwoods Group et al.*, No. CV 08-1184 SI (hereinafter referred to as "*Helm*."). A case Management Conference is scheduled in *Bryant I* for 2:00 p.m. on Monday, April 7, 2008. Plaintiffs seek to continue it for May 9, 2008. For the reason set forth below, this Court should proceed with the April 7, 2008 Case Management Conference and not continue it until May 9, 2008.

II. THE APRIL 7, 2008 CASE MANAGEMENT CONFERENCE IS NEEDED TO PROVIDED THE COURT AND THE PARTIES SUFFICIENT TIME TO REVIEW THE NUMEROUS MANAGEMENT MATTERS RELATED AND UNRELATED TO THE MAY 9, 2009 HEARINGS ON PARTIES' SEVERAL MOTIONS

A separate conference, prior to hearing any of the numerous pending motions filed the parties in three related actions May 9, 2008¹, is needed to discuss the numerous case management matters pending in all three actions. Such matters themselves necessarily will consume a

¹ Defendants' motions to dismiss and SCI's motion for attorney fees/stay in *Bryant II* are currently set for hearing before this Court on April 25, 2008. (*Bryant II* Docket Nos. 6, 9 21, 29-31.) Defendants proposed to plaintiffs to continue these motions to May 9, 2008, so that all of the parties' motions can be heard at the same time, and to resolve plaintiffs' claimed prejudice that they should have additional time to file their opposition to those motions. However, plaintiffs refused, since doing so would substantially reduce their prejudice claimed in their administrative motions to move the hearings on all of the defendants' motion until after May 9, 2008.

substantial amount of the Court's and parties' time and effort. For example, a substantial amount of time will be needed to discuss the Court's Order to Show Cause requiring the parties to inform the Court of the status and background of all pending and closed wage-related cases filed in both state and federal court, and why Bryant I and Bryant II should not be transferred to the Western District of Pennsylvania action pending (Docket No. 37.)²; and the parties' joint statement in response thereto (*Bryant I* Docket Nos. 56 & 57; *Bryant II* Docket Nos. 41 and 42.)

Likewise, a substantial amount of time will be needed to discuss the nature, extent and relatedness of the 14 pending motions before the Court filed by the parties in the three related cases, and to what extent, if at all, some of them may need to be heard prior to transferring any of the actions. For example, plaintiffs seek to have remand motions heard prior to the Court transferring either the Bryant II or Helm cases. The pending motions include the following:

1. Defendant filed two motions to dismiss, strike, and a more definite statement in *Bryant I*. (Docket Nos. 43 and 47.)

2. Defendants filed three motions to dismiss, strike and payment of fees in *Bryant II*. (Docket Nos. 6, 9, 21.)

3. Defendants filed four motions to dismiss, strike and payment of fees in *Helm*. (Docket Nos. 4, 7, 14 and 50.)

4. Plaintiffs filed two administrative motions to continue all of Defendants' motions filed in *Helm* (Docket No. 45) and in *Bryant II* (Docket No. 36).³

5. Plaintiffs filed two motions to remand; one in Bryant II (Docket No. 34) and one in Helm (Docket No. 37).

6. Plaintiffs filed one motion to continue the April 7, 2008 Case Management Conference in Bryant I. (Docket No. 40.)

The separately scheduled April 7, 2008 Case Management Conference will greatly assist the Court and its staff in understanding the nature, extent, relatedness and complexity of the three

² Defendants also believe that Helm should also probably be transferred to the Pennsylvania action.

³ Defendants anticipate that plaintiffs will file similar administrative motions to continue the May 9, 2008 hearing dates on Paul Houston's motions to dismiss, strike and for more definite statement that were recently filed on March 28, 2008.

1 pending actions, and determining whether to transfer any of the actions. It will aid the court in
 2 understanding the numerous motions filed by the parties, determining whether to prioritize and/or
 3 continue their hearings, and deciding what, if any motions, may need to be made before transferring
 4 any of the three related actions. It can address the plaintiffs' administrative motions that seek to
 5 unnecessarily continue the May 9, 2008 hearings on all of the defendants' motions. Such matters
 6 should be reviewed prior to hearing the 11 pending motions that are to be heard on May 9, 2008.
 7 As previously demonstrated in defendants' oppositions to plaintiffs' administrative motions,
 8 judicial economy would best be served by holding a separate Cases Management Conference to
 9 address the numerous and complex case management issues, the Court's OSC, and the parties joint
 10 statement in response thereto and various scheduling matters. The court can then consider all of
 11 the parties' motions at their regularly scheduled hearing on May 9, 2008.

12 For these reasons, the Court should deny plaintiffs' motion for a continuance of the April 7,
 13 2008 Case Management Conference. It should deny plaintiffs' motion to continue the hearings on
 14 defendants' motions until after May 9, 2008. It should further continue the Defendants' motion to
 15 dismiss and strike set for April 25, 2008 in *Bryant II* (Docket Nos. 6, 9 21, 29-31.) until May 9,
 16 2008, so that all of the parties' motion can be considered at one hearing.

17
 18 Dated: March 31, 2008

GURNEE & DANIELS LLP

19
 20 By



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1 I hereby certify that on the 31th day of March, 2008,
2 I electronically transmitted the attached document to
3 the Clerk's Office using the CM/ECF System for
4 filing and transmittal of a Notice of Electronic
5 Filing to the following CM/ECF registrants:

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